

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1266 of 2020

- Wasim Khan @ Mamma S/o Mohmmad Hafiz Khan Aged About 37 Years R/o - Chandu Chowk, Nehru Nagar, Raipur Kotwali, District - Raipur Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Dharsiva, District - Raipur Chhattisgarh,

---- Respondent

MCRC No. 1271 of 2020

- Ali Saiyad Kamar @ Raja Khan S/o Gulam Ali Aged About 40 Years R/o Ward No. 4, Kura, Police Station Dharsiva, Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharsiva, District Raipur Chhattisgarh

---- Respondent

For Applicants	: Smt. Smita Jha, Advocate
For Respondent /State	: Shri Dinesh Tiwari, Dy. GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

02/06/2020

As both these M.Cr.Cs. arise out of the same crime number, they are being disposed of by this common order.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in

custody in connection with Crime No. 612/2019 registered at police station Dharsiva, district Raipur (CG) for the offence punishable under Sections 120-B, 201, 182, 211 IPC and Sections 25 and 27 of the Arms Act.

Case of the prosecution in brief is that the applicants lodged a report at police station Dharsiwa stating that his car was gun shot by two unknown persons in a bike. It is alleged that the police suspected that above incident to be suspicious and interrogated the accused and it was found that in order to hide the fear of defeat in election, the applicants have conspired and lodged a false report.

Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. It is further submitted that the charge sheet has been filed and the applicants are in jail since 20.12.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicants, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond in the sum of Rs. 25,000/- each with one surety for the like sum to the satisfaction of the concerned Court, they shall be released on bail.

It is made clear that if the applicants' have already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks' from today.

Sd/-

(Rajani Dubey)
Judge